

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

VISIBLE SYSTEMS CORPORATION,

Plaintiff

v.

UNISYS CORPORATION,

Defendant

Civil Action No. 04-CV-11610-RGS

**PLAINTIFF'S OPPOSITION TO MOTION OF DEFENDANT  
UNISYS CORPORATION TO AMEND PRE-TRIAL SCHEDULE**

On May 25, 2006 Unisys Corporation ("Unisys") moved to extend the deadlines for discovery and dispositive pretrial motions by four months. Pending before the Court are two motions to compel filed by Plaintiff Visible Systems Corporation ("Visible").

Visible recognizes the need to extend fact discovery beyond June 23, 2006 (see Unisys' motion at 1 n.1). In light of Visible's limited resources and its need for relief, however, Visible is unwilling to assent to an extension that is longer than necessary. Visible opposes Unisys' effort to extend discovery by four months and extend the dispositive motion briefing schedule into the next calendar year. In suggesting what length of extension is necessary, Visible faces uncertainty as to (a) the extent of further discovery the Court will compel Unisys to provide, and (b) the date by which Unisys will be required to provide such supplemental discovery.

In the face of these uncertainties, Visible proposes the following:

(a) If Unisys is required to provide any supplemental production, including electronic as well as hardcopy documents, by the second week of July, Visible believes

that fact discovery can be completed by September 22, 2006, and briefing of dispositive motions can be completed before the end of 2006, as set forth in the chart below. Visible proposes that the time for expert depositions can be compressed, since Unisys has designated no experts, and Visible has designated only two. Visible's experts and any Unisys rebuttal experts can be deposed before the time for filing of dispositive motions.

<b>Phase</b>	<b>Current Deadline</b>	<b>Unisys' Proposal</b>	<b>Visible's Proposal</b>
Fact discovery	None stated, June 23, 2006 agreed	October 31, 2006	September 22, 2006
Supplemental/Rebuttal Expert Disclosures	July 14, 2006	November 15, 2006	September 26, 2006
Expert Depositions	September 21, 2006	January 21, 2007	October 24, 2006
Dispositive Motions	August 1, 2006	November 30, 2006	October 31, 2006
Oppositions to Dispositive Motions	September 1, 2006	December 31, 2006	December 1, 2006
Reply Memoranda to Dispositive Motions	September 21, 2006	January 21, 2007	December 22, 2006

(b) In the event that a date is set for supplemental production by Unisys later than the second week of July 2006, Visible respectfully requests the ability to propose a different schedule after consultation with opposing counsel.

In any event, Visible objects to the proposal by Unisys that oppositions to dispositive motions be due during the week between Christmas and New Year.

Plaintiff, VISIBLE SYSTEMS CORPORATION

By its attorneys:

/s/ Stephen H. Galebach

Stephen H. Galebach, BBO#653006 ([galebach@galebachlaw.com](mailto:galebach@galebachlaw.com))

Joseph E. Rendini, BBO # 542746 ([rendini@galebachlaw.com](mailto:rendini@galebachlaw.com))

GALEBACH LAW

One Knollcrest Drive

Andover, MA 01810

978-258-5300

and

Lawrence M. Kraus, BBO # 564561 ([lkraus@foley.com](mailto:lkraus@foley.com))

Carrie J. Fletcher, BBO # 642369

FOLEY & LARDNER LLP

111 Huntington Avenue

Boston, MA 02199

617-342-4000

Dated: June 7, 2006

**Certificate of Service**

I certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Stephen H. Galebach

Stephen H. Galebach